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CHAPTER Agr 900: STANDARDS FOR FARM PRODUCTS: BRANDS, LABELS,
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Adopt Agr 904, previously effective 10-19-90 (Document #4956), and expired 10-19-96, to read as follows:

CHAPTER Agr 900 STANDARDS FOR FARM PRODUCTS: BRANDS, LABELS, GRADES

Statutory Authority: RSA 426:1, RSA 429:25,

PART Agr 904 MAPLE SYRUP

Statutory Authority: RSA 426:1, RSA 429:25

Agr 904.01 Purpose. These rules implement the procedures of the department of agriculture, markets and food, pursuant to RSA 429:13 et seq, relative to grading, labeling, packaging and sale of maple products in New Hampshire.

Agr 904.02 Applicability. These rules apply to any person who produces, packages or distributes maple products for sale or distribution in the state.

Agr. 904.03 Definitions. The following words and terms shall have the meanings indicated when used in this part:

- (a) “Act” means RSA 429:13-28
- (b) “Baume” means a measurement that relates the density of a liquid to that of a salt solution.
- (c) “Brix” means a measurement of the percent of soluble solids in a liquid.
- (d) “Buddy” or “Buddiness” means the unpleasant flavor characteristic of syrup or sugar made from sap collected from maple trees as they come out of dormancy, just prior to and during the onset of bud break.
- (e) “Clean” means that the syrup is practically free from foreign material.
- (f) “Consumer sized containers” means one gallon or less.
- (g) “Damage” means any defects that materially affect the appearance or the edibility or marketability of the syrup.
- (h) “Maple syrup” means syrup with a density of 36 points Baume or 66.9 Brix at 60 degrees F. which is made from pure maple sap and intended for human consumption or for use in the manufacture of maple products.
- (i) “Plainly and conspicuously” means that the lettering used to cover information required by the law on markings is large and legible enough so as not to be obscured by other markings or illustrations used.
- (j) “Practically clear” means slight presence in suspension of fine particles of mineral matter, such as malate of lime, niter, sugar sand or other substances that detract from the clearness of the syrup.

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- (k) “Practically free” means slight presence of foreign material such as bark, soot, dust or dirt.
- (l) “Serious damage” means any defect that seriously detracts from edibility, marketability, purity, or safety of the syrup and includes badly scorched syrup, buddy syrup, fermented syrup or syrup that has any distasteful foreign flavor or disagreeable odor.
- (m) “United States Department of Agriculture color standards” means the official United States Department of Agriculture permanent glass color standards for maple syrup contained in a comparative device for determining the grade of maple syrup.

Agr 904.04 Grades Established.

- (a) Grade A Light Amber syrup shall have the following characteristics:
 - (1) The syrup shall be pure maple syrup that is clean and practically clear or better;
 - (2) The color shall be as light or lighter in color than the light amber color as represented by the United States Department of Agriculture light amber color standard;
 - (3) The syrup shall possess a good maple flavor practically free from damage caused by objectionable odor or flavor, such as but not limited to scorching, buddiness or bitterness; and
 - (4) The syrup shall be free from serious damage
- (b) Grade A Medium Amber syrup shall have the following characteristics:
 - (1) The syrup shall be pure maple syrup that is clean and partially clean or better;
 - (2) The color shall be darker in color than light amber, but shall be no darker than the medium amber color as represented by the United States Department of Agriculture medium amber color standard;
 - (3) The syrup shall possess a good maple flavor practically free from damage caused by objectionable odor or flavor, such as but not limited to scorching, buddiness or bitterness; and
 - (4) The syrup shall be free from serious damage.
- (c) Grade A Dark Amber syrup shall have the following characteristics:
 - (1) The syrup shall be pure maple syrup that is clean and practically clear or better;
 - (2) The color shall be darker in color than medium amber, but shall be no darker than the dark amber color as represented by the United States Department of Agriculture dark amber color standard;
 - (3) The syrup shall possess a good maple flavor practically free from damage caused

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by objectionable color or flavor, such as but not limited to scorching, buddiness or bitterness; and

(4) The syrup shall be free from serious damage.

(d) Grade B syrup shall have the following characteristics:

(1) The syrup shall be pure maple syrup that is darker than dark amber as represented by the United States Department of Agriculture dark amber color standard, or syrup that does not meet the requirements for Grade A;

(2) The syrup shall have a fairly good maple flavor;

(3) The syrup shall be free from serious damage; and

(4) The syrup shall be practically free from foreign material.

(e) Substandard classification syrup shall have the following characteristics:

(1) The syrup shall be syrup that fails to meet the requirements of any of the previous classifications; and

(f) Substandard classification syrup shall not be graded above substandard or packaged in consumer sized containers.

Agr 904.05 Tolerances for Established Grades

(a) In order to allow for variations incident to proper grading and handling, not more than 10 percent by count of the containers in any lot shall have syrup below the requirements for the grade, provided:

(1) That no part of this tolerance shall be allowed for defects causing serious damage;

(2) That no tolerance shall be allowed for syrup that is darker in amber color than that which is required of the next darker grade; and

(3) That no tolerance shall be allowed for syrup that is lighter in amber color than that which is required of the next lighter grade.

(b) Not more than 10 percent by count of the containers in any lot shall be as light in density as 35.5 points Baume or 65.9 Brix at 60 degrees F. and not more than 10 percent by count heavier in density than 37 points Baume or 68.9 Brix at 60 degrees F.

Agr 904.06 Labeling

- (a) Any maple syrup, maple products, maple flavored product or artificial maple flavored product shall comply with applicable federal and state statutes relating to labeling and consumer fraud.
- (b) Artificial maple flavored product shall be clearly and conspicuously labeled on their principal display panel or panels with the term “artificial flavor” and meet the requirements of RSA 429:17.
- (c) Artificial maple flavored products shall be labeled as follows:
 - (1) The letters of the words “artificial flavor” shall be of a size equal to, or larger than, other words used to describe the product;
 - (2) It shall be unlawful to use the terms “maple syrup” or “maple sugar,” however modified, to describe an artificially flavored product; and
 - (3) Any restaurant menu listing such a products, or any advertising of such a product, shall clearly state that the product is artificially flavored, pursuant to RSA 429:16
- (d) Persons wishing to determine whether the labels for maple products comply with the terms of the law and these rules shall submit a copy of such labels to the department of agriculture, markets and food prior to their printing and use. If the label complies with the terms of the law and these rules, the department shall certify its compliance with the provisions of the law.

Agr 904.07 Containers

- (a) All maple syrup packaged in consumer size containers shall:
 - (1) Be hot packed at a temperature of 180 degrees F. or higher;
 - (2) Be packed in containers made from food grade material; and
 - (3) Have tamper evident seals placed over the container openings, which means it would be readily apparent if it was previously opened.
- (b) All maple syrup containers, caps and closures shall:
 - (1) Be clean;
 - (2) Be sanitary;
 - (3) Be free from rust;
 - (4) not contain, nor be constructed of, any substance which could tend to

damage the color, flavor, marketability, purity, or safety of the maple syrup,
and

(5) Be stored, prior to use, in a manner that prevents contamination.

- (c) Maple syrup shall not be packed in or found to be in cracked, punctured, bulged, rusty, or unsanitary containers which are unsealed or improperly sealed.

Agr 904.08 Bulk Maple Syrup

- (a) Bulk maple syrup sold directly to consumers, restaurants, or any other market where the syrup is not further processed before purchase by the consumer shall meet the same density standards as packaged maple syrup.
- (b) Bulk maple syrup sold directly to consumers, restaurants, or any other market where the syrup is not further processed before purchase by the consumer shall be labeled with the same information required by RSA 429:14.